IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES WHITNEY,) CIVIL ACTION NO. 19-1237
Plaintiff,) JUDGE JOY FLOWERS CONTI)
)))
v.)
LT. POSIKA, LT. PARKER, C/O) [']
BOSEGERNO, LT. BURTON, CPT.	
HAWKINBURRY, CO1 JOHN DOE,)
UNIT MANAGER KNEEPER, SUP.)
MARK CAPOZZA, JOHN DOE 2, C/O)
1 ROBBERTS and C/O ERRET,	,)

Defendants.

ORDER

AND NOW this 8th day of September, 2022, in accordance with the memorandum opinion, it is hereby ORDERED that the Corrections Defendants' motion for summary judgment (ECF No. 66) is DENIED IN PART with respect to: (1) the Eighth Amendment excessive force claims against Corrections Defendants Parker, Posika, Bosegerno and Burton arising from the April 9, 2019 alleged excessive force incident; and (2) the Eighth Amendment excessive force claim against Posika arising from the use of OC spray in August 2019; and GRANTED in all other respects. Corrections Defendants Hawkinburry, Kneeper, Robberts, Erret and the John Doe defendants are dismissed from the case.

The R&R is adopted in part as the opinion of the court and rejected in part as supplemented and modified herein.

A pretrial scheduling conference will be held on the remaining claims by videoconference on October 11, 2022 at 11:00 a.m. Defense counsel shall make arrangements to enable Whitney to participate.

BY THE COURT,

/s/ Joy Flowers Conti Joy Flowers Conti Senior United States District Judge